

Strasburger

ATTORNEYS AT LAW

November 3, 2016

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VIA EMAIL AND U.S. MAIL

Ben Banipal, P E., Branch Chief
Technical and Enforcement Branch, Superfund Division
United States Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

RECEIVED
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SUPERFUND DIV.
DIRECTOR'S OFFICE

Re. SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana
CERCLIS #. LAD008434185; General Notice Letter

Dear Mr. Banipal

We represent Higman Service Corp. as successor in interest to Higman Barge Lines, Inc. ("Higman")

This letter is in response to your letter dated October 4, 2016 regarding potential liability at the SBA Shipyard Superfund Site, and notice that Higman may be responsible for the cleanup or costs of cleanup of the contamination found at the Site.

We note that Higman's business was marine transportation of petroleum products. Accordingly, we feel that to the extent Higman had business dealings with SBA Shipyard, any contamination from barge cleaning activities are outside the realm of CERCLA due to the "petroleum exclusion"

It does not appear that past or present owners of the Site, or the contractor referenced on p. 3 of the Notice, are on the list of persons and entities receiving letters. We believe that incident is the sole reason for the 2012-15 response and assessment actions

Notwithstanding the above, we have been in communication with Mr. Chernokoff to negotiate possible joinder in the settlement being discussed between the EPA and the group he represents

Please note our response to the General Notice Letter in no way represents an admission of liability and Higman hereby reserves any all defenses, claims and rights it may have in this matter

Very truly yours,



F William Mahley
FWM/rrh



Mr Ben Banipal
November 3, 2016
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cc: Chuck Talton
I-Jung Chiang

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